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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|-----------------------|------------------------------|------------------|
| 10/032,006   | 12/31/2001  | Richard Rodriguez-Val | 06975-179001/ Commerce<br>04 | 6136             |
| 26171  | 7590        | 03/01/2005            | EXAMINER                     |                  |
| FISH & RICHARDSON P.C.<br>1425 K STREET, N.W.<br>11TH FLOOR<br>WASHINGTON, DC 20005-3500 |             |                       | AL HASHEMI, SANA A           |                  |
|  |             |                       | ART UNIT                     | PAPER NUMBER     |
|  |             |                       | 2161                         |                  |

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/032,006

Applicant(s)

RODRIGUEZ-VAL ET AL.

Examiner

Sana Al-Hashemi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 and 37-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims Status: 23-36 are rejected. Claims 1-22 and 37-47 are withdrawn from consideration.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding Claim 23, is rejected under 112 second paragraph as failing to point out the limitation claimed. It's unclear on the limitation of comparing the second data and the third data.

What is the second and third data are compared to?

Is the comparison between the second and third data?

What is the relation between the second and third data in order to compare them to any other thing or to each other?

Regarding claim 28, the phrase "ANI" which was not defined in the Claim. Correction required.

Claim 33 is rejected under 112 second paragraph, the claim language is open ended and is considered to be indefinite, it's unclear to the Examiner which data requires "only numeric data". Verification required.

To the best of the Examiner ascertain the claims have been examiner.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Durinovic-Johri et al. (US Patent No. 5,699,514).

Regarding Claims 23, 29, 34, and 35, Durinovic-Johri discloses a method for enabling a user configuration, the method comprising:

receiving first data regarding a commemorations characteristic (Col. 3, lines 64-67, Durinovic-Johri);

retrieving second data indicative of a frequency of usage related to the communications characteristic (Col. 4, lines 20-25, Durinovic-Johri<sup>1</sup>);

retrieving third data indicative of a frequency of usage threshold (Col. 4, lines 31-54, Durinovic-Johri);

comparing the second data and the third data (Col. 4, and 5, lines 64-67, and 1 respectively, Durinovic-Johri); and

enabling a user configuration based on results of the comparison between the second data and the third data (Col. 5, lines 1-4, Durinovic-Johri).

Regarding Claims 24, and 30, Durinovic-Johri disclose a method wherein the first data includes data relating to a telephone number (Col. 3, lines 48-59, Durinovic-Johri).

Regarding Claim 25, Durinovic-Johri discloses a method wherein the first data includes data indicative of a user name (Col. 4, lines 17-19, Durinovic-Johri).

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<sup>1</sup> Examiner interprets the update based on the time difference between access attempt corresponds to the usage frequency.

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Regarding Claim 26, Durinovic-Johri discloses a method wherein the second data indicates historical information regarding past attempts to enable the user configuration based on the first data (Col. 6, lines 29-35, Durinovic-Johri).

Regarding Claim 27, Durinovic-Johri discloses a method wherein the historical information is defined over a specified period of time (Col. 6, lines 35-41, Durinovic-Johri).

Regarding Claim 28, Durinovic-Johri discloses a method of claim 23 wherein the first data includes ANI data (Col. 10, lines 2-9, Durinovic-Johri).

Regarding Claim 31, Durinovic-Johri discloses a method wherein the formatting characteristic and the format criteria each include length (Col. 8, lines 37-40, Durinovic-Johri).

Regarding Claim 32, Durinovic-Johri discloses a method wherein the length includes a number of characters (Col. 7, lines 26-31, Durinovic-Johri).

33. The method of claim 29 wherein format criteria require only numeric data in the data (Col. 7, lines 51-57, Durinovic-Johri).

34. A system for establishing a user configuration comprising:

means for receiving first data indicative of information regarding a user characteristic (Fig. 2, 201, Durinovic-Johri);

means for detecting second data indicative of a communications characteristic for the user (Fig. 2, 203, Durinovic-Johri);

means for determining whether the first data and second data are related (Fig. 2, 208, and 209, Durinovic-Johri); and

means for establishing a user configuration based upon results of the determination of whether the first data and the second data are related (Fig. 2, 221, Col. 5, lines 1-6, Durinovic-Johri).

***1- Other Prior Art Made of Record***

- 1- Durinovic-Johri et al. (US Patent No.5.699.514) disclose access control system with lockout.
- 2- Buross et al.(US Patent No.6.775.782) discloses a method and system for suspending and resuming digital certificates in a certificate-based user authentication application system.
- 3- Rosenberg et al. (US Patent No. 6,363,357) discloses method and apparatus for providing authorization to make multiple copies of copyright protected products purchased in an online commercial transaction.
- 4- Wu (US Patent No. 6,539,479) discloses a system and method for security logging onto a remotely located computer.


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***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
February 11, 2005



ALFORD KINDRED  
PRIMARY EXAMINER